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PTO/SB/31 (04-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on _____

Signature _____

Typed or printed
name _____

In re Application of

Bruce M. Dickens

Application Number 09/512592

Filed 2/23/2000

For **Date formatting and sorting ...**

Art Unit

2161

Examiner

Coby, F.

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ **500.00**

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☒ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☐ attorney or agent of record.
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Bruce M. Dickens
Signature

Bruce M. Dickens

Typed or printed name

949-857-1487

Telephone number

October 9, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of **1** forms are submitted.

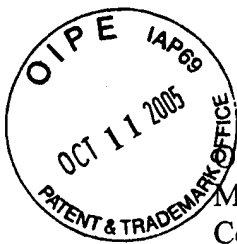
This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/13/2005 MBELETE1 00000049 09512592

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11 BD
October 10, 2005
MAIL STOP: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR § 1.10

Re: **Notice of Appeal** in the merged cases:

| | | |
|----------------------------------|---|-----------------------------|
| Reissue Application No.: |) | Group Art Unit: 2161 |
| 09/512,592 |) | |
| United States Patent No.: |) | Examiner: Coby, F. |
| 5,806,063 |) | |
| Issued: September 8, 1998 |) | |
| Applicant: |) | |
| Dickens-Soeder2000,LLC |) | |
| Reexamination Proceeding: |) | |
| 90/005,592 |) | |
| Filed: December 21, 1999 |) | |
| Reexamination Proceeding: |) | |
| 90/005,628 |) | |
| Filed: February 2, 2000 |) | |
| Reexamination Proceeding: |) | |
| 90/005,727 |) | |
| Filed: May 16, 2000 |) | |
| Reexamination Proceeding |) | |
| 90/006,541 |) | |
| Filed on February 7, 2003 |) | |

Enclosed with this Certificate of Mailing is:

Notice of Appeal Cover Letter

Notice of Appeal

Request for Extension of Time

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Check in the amount of 120.00 for the regular fee for a one month extension to file this

Notice of Appeal

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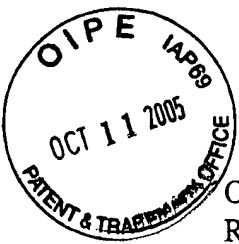
I Bruce M. Dickens certify that on the above noted date I personally mailed the above referenced documents to the USPTO by Express Mail Post Office to Addressee.

Bruce M. Dickens

Bruce M. Dickens

949-857-1487

Express Mail No. EQ 090368153 45



11 BD
OCT 10, 2005
CERTIFICATE OF SERVICE BY MAIL

October 10, 2005

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| 90/005,727 |) | |
| <u>Filed: May 16, 2000</u> |) | |
| Reexamination Proceeding |) | |
| 90/006,541 |) | |
| <u>Filed February 7, 2003</u> |) | |

I hereby certify that I have served the following on the below listed counsel of record by placing same in a first class mail envelope addressed to the below listed addresses with appropriate postage affixed and deposited with the United States Post Office:

Notice of Appeal

Request for Extension of Time

Certificate of Express Mailing

Paul E. Crawford
Connolly Bove Loge and Hutz LLP
1200 Market Street
Wilmington, DE 19801

Ross F. Hunt Jr.
Larson & Taylor
1199 North Fairfax St., Suite 900
Alexandria, VA 22314

Stanley B. Green
Connolly Bove Loge and Hutz LLP
1990 M Street, NW
Washington, D.C. 20036

Bruce M Dickens

Bruce M. Dickens
949-857-1487



11/31
October 10, 2005
MAIL STOP: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via: Express Mail

Dear Commissioner:

Enclosed is a **Notice of Appeal** in the merged cases:

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|--|---|-----------------------------|
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| <u>Filed: February 2, 2000</u> |) | |
| Reexamination Proceeding: |) | |
| 90/005,727 |) | |
| <u>Filed: May 16, 2000</u> |) | |
| Reexamination Proceeding |) | |
| 90/006,541 |) | |
| <u>Filed February 2, 2003</u> |) | |

This mailing consists of:

Notice of Appeal

Request for Extension of Time

Certificate of Mailing By Express Mail

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Check in the amount of \$120.00 for One Month Extension of Time

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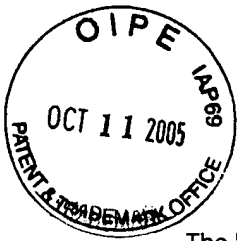
Check in the amount of \$500.00 for the filing of the Notice of Appeal

Return receipt postcard

If you have any questions, please do not hesitate to contact me.

Regards,

Bruce M. Dickens
Bruce M. Dickens
949-857-1487

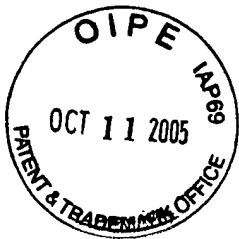


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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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